

Plaintiffs' Exhibit 11

(Redacted)

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA,)
et al,)
)
Plaintiffs,)
) Case No.
-vs-) 1:23-cv-00108-LMB-
) JFA
GOOGLE, LLC,)
)
Defendant.)

** HIGHLY CONFIDENTIAL **

VIDEO RECORDED 30(b)(6) EXAMINATION

OF: GROUPEM

BY: SUSAN SCHIEKOFER

TAKEN ON

TUESDAY, SEPTEMBER 26, 2023

CERTIFIED STENOGRAPHER:

JESSIE WAACK, RDR, CRR, CCRR, NYRCR, NYACR,
CCR-NJ (No. 30XI008238700) CSR-TX (No. 11958)
CCR-WA (No. 21007264), CSR-CA (No. 14420),
REALTIME SYSTEMS ADMINISTRATOR
JOB NO.: 912924

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1 hmm. Does that make sense?

2 A. Yes.

3 Q. And then also, this is something

4 that's different from a normal question,

5 but try to let me finish my question before

6 you start giving your answer even if you

7 think you kind of know where I'm going.

8 And similarly, I will try to let

9 you finish your answer before I start

10 asking the next question. Does that make

11 sense?

12 A. Yes.

13 Q. Okay. And if anything isn't

14 clear at any point, just ask me, and I'll

15 do my best to clear it up.

16 A. Will do.

17 Q. Do you understand that the

18 information you provide during this

19 deposition may be used by the Department of

20 Justice in other civil, criminal,

21 administrator or regulatory cases or

22 proceedings?

23 A. I do.

24 Q. You work in New York; is that

25 right?

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1 A. I do.

2 Q. And you live in New York; is that

3 right?

4 A. I live in New Jersey.

5 Q. Okay. Is there an office where

6 you regularly work outside of New York?

7 A. At home. I mean, we work three

8 days a week at 3 World Trade Center.

9 Q. Okay.

10 A. And then Mondays and Fridays from

11 home.

12 Q. But outside of New York and

13 New Jersey, there's nowhere else where you

14 regularly work?

15 A. No.

16 Q. Okay. So for all of my

17 questions, I'd like you to answer based on

18 your personal knowledge.

19 Does that make sense?

20 A. Yes.

21 Q. So unless I say otherwise, I'm

22 not asking you about information that you

23 learned in preparation for this deposition

24 from other people at GroupM.

25 Does that make sense?

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1 A. Yes.

2 Q. And if at any point you feel like

3 you have an answer to a question but it's

4 not based on your personal knowledge but

5 instead it's based on something you learned

6 to prepare, will you just let me know and

7 we'll kind of go from there?

8 A. Yes.

9 Q. Okay. Where were you born and

10 raised?

11 A. I was born in Staten Island,

12 New York, and I was raised in Monmouth

13 County, New Jersey.

14 Q. Okay. Can you describe your

15 educational background?

16 A. Yes.

17 I went undergrad to Montclair

18 University in New Jersey, and master's

19 in -- at NYU in New York.

20 Q. Okay. What did you get your

21 master's in?

22 A. English and American literature.

23 Q. Okay. How did you first get into

24 advertising?

25 A. I had an internship at a company

Page 13

1 that used to be called Ted Bates when I was

2 19. And I did that. And then they offered

3 me a job when I graduated.

4 Q. And today you work at GroupM; is

5 that right?

6 A. Yes.

7 Q. What's your title at GroupM?

8 A. Chief digital investment officer.

9 Q. Can you give us a brief

10 description of your responsibilities?

11 A. I have a small team at the center

12 of GroupM. And there's agencies at GroupM,

13 and clients sit within agencies.

14 And our team at the center works

15 with the client teams to figure out what

16 are the partners that we want to do

17 business with in terms of things like

18 pricing, first-to-markets, research,

19 basically to provide value for the clients

20 for the money that they're spending across

21 GroupM and the agencies.

22 Q. Let me ask you a little bit about

23 each of those.

24 So what do you and your team do

25 with respect to pricing?

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1 A. We calibrate the market. We
 2 represent anything that's digital, right?
 3 So there's TV buyers that will buy the
 4 upfront that's been pretty traditional.
 5 I mean, for years and years where
 6 they'll buy, like, prime time on NBC or
 7 sports on NBC. And as the markets have
 8 evolved with digital, there's always the
 9 digital components to negotiate.
 10 So we will negotiate anything
 11 that's digital across television, radio,
 12 pure-play digital.

[REDACTED]

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[REDACTED]

17 Q. When did you first start working
 18 at GroupM, roughly?
 19 A. In 2010.
 20 Q. Can you give us a brief overview
 21 of sort of how your role and
 22 responsibilities have changed in GroupM
 23 over time?
 24 A. Yes.
 25 So I have been part of WPP for a

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1 long time. Before GroupM I was at Ogilvy.
 2 So I was at Ogilvy for most of my career.
 3 And I started the digital media offering
 4 within Ogilvy.

5 And then I had my third child and
 6 I went part time for a long time. And in
 7 -- so that was probably, like, '98 I went
 8 part-time.

9 And then in 2010, I was ready to
 10 come back on a more full-time basis. There
 11 was an opportunity at GroupM to run the
 12 AT&T business, which was a large digital
 13 advertiser at the time, so I interviewed
 14 for that and I got it.

15 And I went over to what was then
 16 MEC, which was a GroupM agency, and I ran
 17 the AT&T digital business.

18 Q. And what came next after that?

19 A. So then I was promoted to
 20 president of digital in '14, I think it --
 21 no, it could have been -- either '12 or
 22 '13 -- no, probably, like, '13. And I got
 23 promoted and did not enjoy the job at all
 24 and left.

25 And then the GroupM offered me a

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1 job at the center, right? So not at the
 2 particular agencies but at the center. I
 3 worked -- went to work for a gentleman
 4 named Ari Bluman who was -- who had my job,
 5 chief digital officer.

6 And that was in -- that was
 7 July 2014. Almost two weeks after I
 8 started working for him, he was diagnosed
 9 with leukemia. So that was two years.

10 And then he passed away, and I
 11 was promoted into his position in '16. So
 12 I've been doing this particular job since
 13 '16.

14 Q. Okay. Let me ask you one
 15 question about GroupM's organization.

16 Does GroupM have different teams
 17 that focus on different types of
 18 advertising?

19 MR. HUNSBERGER: Object to form.
 20 BY MR. VERNON:

21 Q. And so, in general, if either
 22 your counsel or Google's counsel objects,
 23 you can wait for them to object and then
 24 answer. If counsel instructs you not to
 25 answer, then that's a different thing --

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[REDACTED]

11 Q. What differences are there, if
12 any, between open web display and social
13 advertising?
14 MR. HUNSBERGER: Object to form.
15 THE WITNESS: So open exchange is
16 just a compilation of what basically a
17 reseller has put together. You know,
18 social is platform specific.
19 And I'm sorry, what was the
20 third? You said open web and --
21 BY MR. VERNON:
22 Q. And social. There wasn't is a
23 third.
24 A. Okay, okay.
25 Q. Have you ever heard the term

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[REDACTED]

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1 social jail?
2 MR. HUNSBERGER: Object to form.
3 MS. KLAUSNER: Objection to the
4 form.
5 THE WITNESS: I mean, I know --
6 yeah, I mean, if a user is -- you know,
7 posted something that people reported,
8 then they go in social jail.
9 BY MR. VERNON:
10 Q. I was referring to something
11 different.
12 Have you ever heard the phrase
13 social jail in the context of advertising?
14 MR. HUNSBERGER: Object to form.
15 THE WITNESS: No.
16 BY MR. VERNON:

[REDACTED]

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[REDACTED]

Page 166

[REDACTED]

Page 168

[REDACTED]

Page 167

[REDACTED]

Page 169

[REDACTED]

Page 170

[REDACTED]

Page 172

[REDACTED]

Page 171

[REDACTED]

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[REDACTED]

1 this deposition today. We have no
2 further questions, so we just wanted to
3 say thank you, we appreciate it.

4 THE WITNESS: You're welcome.

5 MS. KLAUSNER: Great.

6 MR. HUNSBERGER: Thank you to the
7 witness and counsel.

8 MS. KLAUSNER: Thank you.

9 THE VIDEOGRAPHER: The time is
10 3:05 p.m.

11 We're off the record.

12 (Time noted: 3:05 p.m.)
13
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25

1 INSTRUCTIONS TO WITNESS

2
3 Please read your deposition over
4 carefully and make any necessary
5 corrections. You should state the reason
6 in the appropriate space on the errata
7 sheet for any corrections that are made.

8 After doing so, please sign the
9 errata sheet and date it.

10 You are signing same subject to
11 the changes you have noted on the errata
12 sheet, which will be attached to your
13 deposition.

14 It is imperative that you return
15 the original errata sheet to the deposing
16 attorney within thirty (30) days of
17 receipt of the deposition transcript by
18 you. If you fail to do so, the deposition
19 transcript may be deemed to be accurate
20 and may be used in court.
21
22
23
24
25

1 REPORTER CERTIFICATE

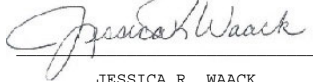
2 I, the undersigned, do hereby certify:

3 That SUSAN SCHIEKOFER was by me duly
4 sworn in the within-entitled cause; that
5 said deposition was taken at the time and
6 place herein named; and that the deposition
7 is a true record of the witness's testimony
8 as reported by me, a disinterested person,
9 and thereafter a total of 186 was
10 transcribed.

11 I further certify that I am not
12 interested in the outcome of the said
13 action, nor connected with, nor related to
14 any of the parties in said action, nor to
15 their respective counsel.

16 IN WITNESS WHEREOF, I have hereunto set
17 my hand this 26th day of September, 2023.

18 Signature: X Requested Waived Not Requested

19 
20
21 JESSICA R. WAACK

22 Registered Diplomate Reporter

23 Certified Realtime Reporter

24 California Certified Realtime Reporter

25 New York Realtime Court Reporter

New York Association Court Reporter

Notary Public, State of New York

CCR-NJ (No. 30XI008238700) CSR-TX (No. 11958)

CCR-WA (No. 21007264), CSR-CA (No. 14420)

1 DECLARATION UNDER PENALTY OF PERJURY

2 USA VS. GOOGLE

3 Date of Deposition: September 26, 2023
4
5

6 I, SUSAN SCHIEKOFER, hereby
7 certify under penalty of perjury under the
8 laws of the State of _____ that
9 the foregoing is true and correct.
10

11 Executed this ____ day of _____, 2023,
12 at _____.
13
14

15 _____
16 SUSAN SCHIEKOFER
17

18 SUBSCRIBED AND SWORN BEFORE ME

19 THIS ____ DAY OF _____, 20
20 _____
21

22 NOTARY PUBLIC
23
24
25

MY COMMISSION EXPIRES: _____

1 DECLARATION UNDER PENALTY OF PERJURY

2 USA VS. GOOGLE

3 Date of Deposition: September 26, 2023

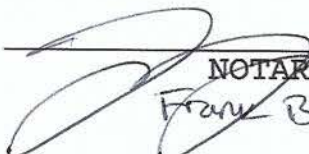
4
5
6 I, SUSAN SCHIEKOFER, hereby
7 certify under penalty of perjury under the
8 laws of the State of New York that
9 the foregoing is true and correct.

10
11 Executed this 2nd day of Nov, 2023,
12 at 279 Millburn Ave Millburn, NJ 07041

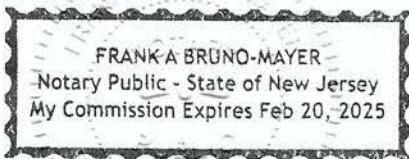
13
14
15 
16 SUSAN SCHIEKOFER

17
18 SUBSCRIBED AND SWORN BEFORE ME

19 THIS 2nd DAY OF November, 2023

20 
21 NOTARY PUBLIC
22 Frank Bruno Mayer

23 MY COMMISSION EXPIRES: _____

24 
25

ERRATA SHEET

USA VS. GOOGLE

WITNESS: SUSAN SCHIEKOFE

Date of Deposition: September 26, 2023

Reason Codes: 1. Clarify the record
 2. Conform to the facts
 3. Correct transcription errors

Page	Line	Reason
From	To	
Page 40	Line 24	Reason 2
Page	To	
Page	Line	Reason
From display	To video	
Page 54	Line 9	Reason 2
From OpenX	To SpotX	
Page 65	Line 9	Reason 3
From isn't	To is an	
Page 78	Line 23	Reason 2
From organic	To natural	
Page 85	Line 9	Reason 2
From GroupM at one point	To GroupM's 24/7 product	
Page 164	Line 21	Reason 2
From That was -- census was Maxus	To That was -- Census was Wavemaker. Strike: So Maxus -- Maxus became part of Essence. So it's either under Essence or Maxus.	
Page	Line	Reason
From	To	
Page	Line	Reason
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 SUSAN SCHIEKOFE